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PATENT APPLICATION

ATTORNEY DOCKET NO. 10016443-1

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): HENRY, Steven G.

Confirmation No.: 7073

Application No.: 09/998,795

Examiner: GREENE, S. L.

Filing Date: December 3, 2001

Group Art Unit: 2173

Title: METHOD AND APPARATUS FOR DISPLAYING NETWORK DATA

Mail Stop Appeal Brief-Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on July 13, 2006.

The fee for filing this Appeal Brief is (37 CFR 1.17(c)) \$500.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

☐ (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d)) for the total number of months checked below:

☐ 1st Month
\$120

☐ 2nd Month
\$450

☐ 3rd Month
\$1020

☐ 4th Month
\$1590

☐ The extension fee has already been filed in this application.

☒ (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account 08-2025 the sum of \$ 500 . At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

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Respectfully submitted,

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

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|-------------------------------|---|------------------------|
| In Re Application of: |) | |
| |) | |
| HENRY, Steven, G. |) | Examiner: Greene, S.L. |
| |) | |
| Serial No. 09/998,795 |) | Group Art Unit: 2173 |
| |) | |
| Filing Date: December 3, 2001 |) | Conf. No.: 7073 |
| |) | |
| For: METHOD AND APPARATUS FOR |) | Atty. Dkt.: 10016443-1 |
| DISPLAYING NETWORK DATA |) | |

APPEAL BRIEF

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Atty. Dkt.: 10016443-1

APPEAL BRIEF

To: The Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Appeal Brief is submitted in response to the final rejections of the claims dated March 17, 2006. A Notice of Appeal was filed on July 13, 2006.

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REAL PARTY IN INTEREST

The real party in interest is Hewlett-Packard Development Company, LP, a limited partnership established under the laws of the State of Texas and having a principal place of business at 20555 S.H. 249 Houston, Texas 77070, USA (hereinafter "HPDC"). HPDC is a wholly owned affiliate of Hewlett-Packard Company, a Delaware Corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holdings, LLC.

RELATED APPEALS AND INTERFERENCES

There are currently no related appeals or interferences known to Appellants, Appellants' legal representative, or the assignee which will directly affect, or be directly affected by, or have a bearing on, the Board's decision.

STATUS OF CLAIMS

Claims 1-11 and 13-31 are pending in the application. Claims 1-11 and 13-31 currently stand rejected. The rejections of claims 1-11 and 13-31 are appealed.

STATUS OF AMENDMENTS

No amendments have been filed subsequent to the issuance of the final office action. However, a response after “final” under 37 CFR 1.116 was filed on May 16, 2006. An Advisory Action was issued on June 23, 2006.

SUMMARY OF CLAIMED SUBJECT MATTER

The invention as claimed is summarized below with reference to the independent claims. The claims contain reference numerals and reference to the specification and drawings. All references are shown in the application at least where indicated herein.

(Claim 1) A method (12, Figures 2A, 2B; p. 4, ll. 2-8; and p. 9, l. 8-p. 13, l. 20) for displaying network data (16, Figure 1; p. 4, ll. 2-8; p. 5, ll. 11-29; p. 9, l. 17-p. 10, l. 32; p. 12, ll. 4-25; and p. 13, l. 15-27), comprising:

receiving (44, 56 Figure 2A; p. 9, ll. 17-30; and p. 12, ll. 4-19) said network data (16) at an appliance (18, Figure 1; p. 4, ll. 2-8; p. 5, l. 11-p. 8, l. 18; p. 9, ll. 17-30; p. 10, l. 9-p. 12, l. 3; and p. 13, l. 28-p. 14, l. 8) operatively associated with a network (24, Figure 1; p. 4, ll. 18-27; p. 5, ll. 11-22; p. 8, ll. 3-18; and p. 9, ll. 8-16), said network data (16) being from another device (20, 26, 28, 29, 30, Figure 1; p. 5, ll. 11-22; and p. 12, ll. 4-19) connected to the network (24), said receiving (44, 56) occurring when said appliance (18) is in an inactive mode;

displaying (46, 58, Figure 2B; p. 4, ll. 2-8; p. 9, l. 17-p. 10, l. 17; and p. 12, ll. 4-25) at least a portion (14, Figure 1; p. 4, ll. 2-8; p. 9, l. 17-p. 10, l. 17; and p. 12, ll. 4-25) of said network data (16) on electronic display apparatus (22, Figure 1; p. 4, ll. 4-8; p. 7, l. 20-p. 8, l. 2; p. 9, ll. 17-24; p. 10, ll. 9-17; and p. 12, ll. 4-19) operatively associated with said appliance (18), said electronic display apparatus (22) allowing for user interaction with and operation of said appliance (18);

allowing (48, Figure 2B; p. 11, l. 14-p. 12, l. 25) a user to operate said appliance (18) to respond to at least a portion (14) of said network data (16) on the electronic display apparatus (22); and

wherein electronically displaying data is not a primary function of said appliance
(18, p. 7, ll. 18-19).

(Claim 15) Apparatus (10, Figure 1; p. 4, ll. 2-8; p. 5, l. 11-p. 9, l. 7; p. 10, l. 18- p. 11, l. 13; and p. 13, l. 28-p. 14, l. 20) for displaying network data (16, Figure 1; p. 4, ll. 2-8; p. 5, ll. 11-29; p. 9, l. 17-p. 10, l. 32; p. 12, ll. 4-25; and p. 13, l. 15-27), comprising:

one or more computer readable storage media; and

computer readable program code stored on said one or more computer readable storage media, said computer readable program code comprising:

program code for receiving (44, 56 Figure 2A; p. 9, ll. 17-30; and p. 12, ll. 4-19) said network data (16) at an appliance (18, Figure 1; p. 4, ll. 2-8; p. 5, l. 11-p. 8, l. 18; p. 9, ll. 17-30; p. 10, l. 9-p. 12, l. 3; and p. 13, l. 28-p. 14, l. 8) operatively associated with a network (24, Figure 1; p. 4, ll. 18-27; p. 5, ll. 11-22; p. 8, ll. 3-18; and p. 9, ll. 8-16), when said appliance (18) is in an inactive mode, said network data (16) being from another device (20, 26, 28, 29, 30, Figure 1; p. 5, ll. 11-22; and p. 12, ll. 4-19) connected to the network (24);

program code for displaying (46, 58, Figure 2B; p. 4, ll. 2-8; p. 9, l. 17-p. 10, l. 17; and p. 12, ll. 4-25) at least a portion (14, Figure 1; p. 4, ll. 2-8; p. 9, l. 17-p. 10, l. 17; and p. 12, ll. 4-25) of said network data (16) on electronic display apparatus (22, Figure 1; p. 4, ll. 4-8; p. 7, l. 20-p. 8, l. 2; p. 9, ll. 17-24; p. 10, ll. 9-17; and p. 12, ll. 4-19) operatively associated with said appliance (18);

program code for allowing (48, Figure 2B; p. 11, l. 14-p. 12, l. 25) a user to operate said appliance (18) to respond to at least a portion (14) of said network data (16);

wherein said electronic display apparatus (22) allows for user interaction with and operation of said appliance (18); and

wherein electronically displaying data is not a primary function of said appliance (18, p. 7, ll. 18-19).

(Claim 24) A multifunction device (10, Figure 1; p. 4, ll. 2-8; p. 5, l. 11-p. 9, l. 7; p. 10, l. 18-p. 11, l. 13; and p. 13, l. 28-p. 14, l. 20) operatively associated with a network (24, Figure 1; p. 4, ll. 18-27; p. 5, ll. 11-22; p. 8, ll. 3-18; and p. 9, ll. 8-16), comprising:

electronic display apparatus (22, Figure 1; p. 4, ll. 4-8; p. 7, l. 20-p. 8, l. 2; p. 9, ll. 17-24; p. 10, ll. 9-17; and p. 12, ll. 4-19), said electronic display apparatus (22) allowing for user interaction with and operation of said appliance (10);

one or more computer readable storage media;

computer readable program code stored on said one or more computer readable storage media, said computer readable program code comprising:

program code for receiving (44, 56 Figure 2A; p. 9, ll. 17-30; and p. 12, ll. 4-19) network data (16, Figure 1; p. 4, ll. 2-8; p. 5, ll. 11-29; p. 9, l. 17-p. 10, l. 32; p. 12, ll. 4-25; and p. 13, l. 15-27) at said multifunction device (10) when said multifunction device (10) is in an inactive mode, said network data (16) being from another device (20, 26, 28, 29, 30, Figure 1; p. 5, ll. 11-22; and p. 12, ll. 4-19) connected to the network (24);

program code for allowing (48, Figure 2B; p. 11, l. 14-p. 12, l. 25) a user to operate said multifunction device (10) to respond to at least a portion (14, Figure 1; p. 4, ll. 2-8; p. 9, l. 17-p. 10, l. 17; and p. 12, ll. 4-25) of said network data (16); and

program code for displaying (46, 58, Figure 2B; p. 4, ll. 2-8; p. 9, l. 17-p. 10, l. 17; and p. 12, ll. 4-25) at least a portion (14) of said network data (16) on said electronic display apparatus (22).

(Claim 26) Apparatus (10, Figure 1; p. 4, ll. 2-8; p. 5, l. 11-p. 9, l. 7; p. 10, l. 18- p. 11, l. 13; and p. 13, l. 28-p. 14, l. 20) for displaying network data (16, Figure 1; p. 4, ll. 2-8; p. 5, ll. 11-29; p. 9, l. 17-p. 10, l. 32; p. 12, ll. 4-25; and p. 13, l. 15-27), comprising:

means for receiving (44, 56 Figure 2A; p. 9, ll. 17-30; and p. 12, ll. 4-19) said network data (16) at an appliance (18, Figure 1; p. 4, ll. 2-8; p. 5, l. 11-p. 8, l. 18; p. 9, ll. 17-30; p. 10, l. 9-p. 12, l. 3; and p. 13, l. 28-p. 14, l. 8) operatively associated with a network (24, Figure 1; p. 4, ll. 18-27; p. 5, ll. 11-22; p. 8, ll. 3-18; and p. 9, ll. 8-16) when said appliance (18) is in an inactive mode, said network data (16) being from another device (20, 26, 28, 29, 30, Figure 1; p. 5, ll. 11-22; and p. 12, ll. 4-19) connected to the network (24);

means for allowing (48, Figure 2B; p. 11, l. 14-p. 12, l. 25) a user to operate said appliance (18) to respond to at least a portion (14, Figure 1; p. 4, ll. 2-8; p. 9, l. 17-p. 10, l. 17; and p. 12, ll. 4-25) of said network data (16); and

means for displaying (22, Figure 1; p. 4, ll. 4-8; p. 7, l. 20-p. 8, l. 2; p. 9, ll. 17-24; p. 10, ll. 9-17; and p. 12, ll. 4-19) at least a portion (14) of said network data (16) received at said appliance (18), wherein means for displaying (22) at least a portion (14) of said network data (16) is not a primary function of said appliance (18, p. 7, ll. 18-19).

(Claim 27) A method (12, Figures 2A, 2B; p. 4, ll. 2-8; and p. 9, l. 8-p. 13, l. 20) for displaying network data (16, Figure 1; p. 4, ll. 2-8; p. 5, ll. 11-29; p. 9, l. 17-p. 10, l. 32; p. 12,

ll. 4-25; and p. 13, l. 15-27), comprising:

receiving (44, 56 Figure 2A; p. 9, ll. 17-30; and p. 12, ll. 4-19) said network data (16) at a multifunction device (10, Figure 1; p. 4, ll. 2-8; p. 5, l. 11-p. 9, l. 7; p. 10, l. 18-p. 11, l. 13; and p. 13, l. 28-p. 14, l. 20) operatively associated with a network (24, Figure 1; p. 4, ll. 18-27; p. 5, ll. 11-22; p. 8, ll. 3-18; and p. 9, ll. 8-16) when said multifunction device (10) is in an inactive mode, said network data (16) being from another device (20, 26, 28, 29, 30, Figure 1; p. 5, ll. 11-22; and p. 12, ll. 4-19) connected to the network (24);

displaying (46, 58, Figure 2B; p. 4, ll. 2-8; p. 9, l. 17-p. 10, l. 17; and p. 12, ll. 4-25) at least a portion (14, Figure 1; p. 4, ll. 2-8; p. 9, l. 17-p. 10, l. 17; and p. 12, ll. 4-25) of said network data (16) on a display panel (22, Figure 1; p. 4, ll. 4-8; p. 7, l. 20-p. 8, l. 2; p. 9, ll. 17-24; p. 10, ll. 9-17; and p. 12, ll. 4-19) of said multifunction device (10); and

allowing (48, Figure 2B; p. 11, l. 14-p. 12, l. 25) a user to operate said multifunction device (10) to respond to at least a portion (14) of said network data (16), wherein displaying data is not a primary function of said multifunction device (10 p. 7, ll. 18-19).

(Claim 28) Apparatus (10, Figure 1; p. 4, ll. 2-8; p. 5, l. 11-p. 9, l. 7; p. 10, l. 18- p. 11, l. 13; and p. 13, l. 28-p. 14, l. 20) for displaying network data (16, Figure 1; p. 4, ll. 2-8; p. 5, ll. 11-29; p. 9, l. 17-p. 10, l. 32; p. 12, ll. 4-25; and p. 13, l. 15-27), comprising:

one or more computer readable storage media; and

computer readable program code stored on said one or more computer readable storage media, said computer readable program code comprising:

program code for receiving (44, 56 Figure 2A; p. 9, ll. 17-30; and p. 12, ll. 4-19) said network data (16) at a multifunction device (18, Figure 1; p. 4, ll.

2-8; p. 5, l. 11-p. 8, l. 18; p. 9, ll. 17-30; p. 10, l. 9-p. 12, l. 3; and p. 13, l. 28-p. 14, l. 8) operatively associated with a network (24, Figure 1; p. 4, ll. 18-27; p. 5, ll. 11-22; p. 8, ll. 3-18; and p. 9, ll. 8-16) when said multifunction device (18) is in an inactive mode, said network data (16) being from another device (20, 26, 28, 29, 30, Figure 1; p. 5, ll. 11-22; and p. 12, ll. 4-19) connected to the network (24); and

program code for displaying (46, 58, Figure 2B; p. 4, ll. 2-8; p. 9, l. 17-p. 10, l. 17; and p. 12, ll. 4-25) at least a portion (14, Figure 1; p. 4, ll. 2-8; p. 9, l. 17-p. 10, l. 17; and p. 12, ll. 4-25) of said network data (16) on a display panel (22, Figure 1; p. 4, ll. 4-8; p. 7, l. 20-p. 8, l. 2; p. 9, ll. 17-24; p. 10, ll. 9-17; and p. 12, ll. 4-19) of said multifunction device (18); and

program code for allowing (48, Figure 2B; p. 11, l. 14-p. 12, l. 25) a user to operate said appliance (18) to respond to at least a portion (14) of said network data (16).

(Claim 29) A method (12, Figures 2A, 2B; p. 4, ll. 2-8; and p. 9, l. 8-p. 13, l. 20) for displaying network data (16, Figure 1; p. 4, ll. 2-8; p. 5, ll. 11-29; p. 9, l. 17-p. 10, l. 32; p. 12, ll. 4-25; and p. 13, l. 15-27), comprising:

receiving (44, 56 Figure 2A; p. 9, ll. 17-30; and p. 12, ll. 4-19) said network data (16) at an appliance (18, Figure 1; p. 4, ll. 2-8; p. 5, l. 11-p. 8, l. 18; p. 9, ll. 17-30; p. 10, l. 9-p. 12, l. 3; and p. 13, l. 28-p. 14, l. 8) operatively associated with a network (24, Figure 1; p. 4, ll. 18-27; p. 5, ll. 11-22; p. 8, ll. 3-18; and p. 9, ll. 8-16), said network data (16) being from another device (20, 26, 28, 29, 30, Figure 1; p. 5, ll. 11-22; and p. 12, ll. 4-19) connected to the network (24), said appliance (18) having a paper-handling

function associated therewith; and

displaying (46, 58, Figure 2B; p. 4, ll. 2-8; p. 9, l. 17-p. 10, l. 17; and p. 12, ll. 4-25) at least a portion (14, Figure 1; p. 4, ll. 2-8; p. 9, l. 17-p. 10, l. 17; and p. 12, ll. 4-25) of said network data (16) on electronic display apparatus (22, Figure 1; p. 4, ll. 4-8; p. 7, l. 20-p. 8, l. 2; p. 9, ll. 17-24; p. 10, ll. 9-17; and p. 12, ll. 4-19) operatively associated with said appliance (18), said electronic display apparatus (22) allowing for user interaction with and operation of said appliance (18).

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

1. Whether claims 1, 5, 14, 15, 23, 24, and 26-31 are unpatentable under 35 U.S.C. §102(a) as being anticipated by Rudd *et al.*, U.S. Patent No. 6,934,915 (Rudd).
2. Whether claims 2-4, 6-13, 16-22, and 25 are unpatentable under 35 U.S.C. §103(a) as being obvious over Rudd and Kloba *et al.*, WO 01/18688 (Kloba).

ARGUMENT

ISSUE 1: WHETHER CLAIMS 1, 5, 14, 15, 23, 24, AND 26-31 ARE UNPATENTABLE UNDER 35 U.S.C. §102(a) AS BEING ANTICIPATED BY RUDD *ET AL.*, U.S. PATENT NO. 6,934,915 (RUDD).

The Examiner's Rejections

The examiner rejected claims 1, 5, 14, 15, 23, 24, and 26-31 under 35 U.S.C. §102(a) as being anticipated by Rudd. This rejection is improper because Rudd is unavailable as a reference. Therefore, the Rudd reference cannot support a finding of anticipation under Section 102.

The present invention defined by the claims was actually conceived before the October 9, 2001, filing date of the Rudd patent, followed by a diligent constructive reduction to practice between October 9, 2001, the filing date of the Rudd patent, and December 3, 2001, the filing date of the present application. In support thereof, appellant submitted the attached Rule 131 declaration of Steven G. Henry, the sole inventor.

In the advisory action, dated June 23, 2006, the examiner continued to find unpersuasive appellant's arguments and evidence regarding the prior conception and diligent constructive reduction to practice of the claimed invention. The examiner also provided extensive citations of the law on conception, actual reduction to practice, and the requirement for corroborating evidence required in interference proceedings. However, most of these citations are irrelevant to the current issue. First, appellant has never asserted that the invention was actually reduced to practice. Rather, appellant makes clear in the various responses that the invention was constructively reduced to practice. Consequently, the citations relating to the actual reduction to practice, and the evidence required to establish actual reduction to practice are not applicable

here.

With regard to the conception of the invention, the completion of a draft of a patent application establishes conception of the invention at least as of the date the draft patent application was completed. See, for example, MPEP 2138.06 under the sub-heading Diligence Required in Preparing and Filing Patent Application:

“Conception was established at least as early as the date a draft of a patent application was finished by a patent attorney on behalf of the inventor.”

This view is supported by recent case law. See, for example, *Burroughs Wellcome Co., v. Barr Laboratories, Inc.*, 40 F.3d 1223, 1230 (Fed. Cir. 1994): “The draft simply corroborates the claim that they had formulated a definite and permanent idea of the inventions by the time it was prepared,” and *Haskell v. Colebourne*, 671 F.2d 1362 (CCPA 1982), finding that the date of a draft application is evidence of a conception of the invention.

Consequently, the establishment of the date on which the draft patent application was sent to the inventor establishes conception of the invention at least as of the date of the draft. No additional evidence is required. Because the Rule 131 affidavit establishes that a draft patent application of the invention was e-mailed to the inventor on September 6, 2001, the date of conception of the invention is at least as early as September 6, 2001.

Diligence is established by the various reviews and exchanges of information regarding the draft patent application that occurred between October 9, 2001, the filing date of the Rudd patent, and December 3, 2001, the filing date of the present application. More specifically, and as established by the Rule 131 declaration, the inventor provided comments on the first draft of the patent application to the law firm of Dahl & Osterloth on October 4, 2001. Dahl & Osterloth then incorporated those comments into the application. On November 13, 2001, the final draft

of the patent application was mailed to the inventor. The inventor signed the declaration and returned the executed patent application to the law firm of Dahl & Osterloth on November 28, 2001. The application was then filed on December 3, 2001. These facts and dates are set forth in the Rule 131 declaration.

In summation, then, appellant has established that conception of the invention occurred at least as early as September 6, 2001, because that was the date a draft of the patent application was e-mailed to the inventor. No additional evidence is required to establish conception. See MPEP 2138.06 and *Burroughs Wellcome, supra*. Appellant has also submitted evidence sufficient to establish that the invention was diligently constructively reduced to practice between the time of the filing of the Rudd patent (October 9, 2001), and the filing date of the present application (December 3, 2001). More specifically, appellant has established that the inventor e-mailed comments to the law firm of Dahl & Osterloth on October 4, 2001. Dahl & Osterloth then mailed a final draft of the patent application to the inventor on November 13, 2001. The inventor executed the patent application and returned it to Dahl and Osterloth on November 28, 2001. The patent application was then filed with the U.S. Patent and Trademark Office on December 3, 2001.

Finally, it should be noted that The Board of Patent Appeals and Interferences has ruled that factual statements contained in declarations **must** be accepted as true unless the examiner has a reasonable basis for questioning the accuracy of the statements. See, for example, *Ex Parte Gilbert P. Hyatt* (1996 WL 1761844 (Bd. Pat. App & Interf.)):

“If a declarant is stating facts, however, these facts must be accepted as true unless the examiner has a reasonable basis for questioning the accuracy of the statements.”

The statements contained in the Rule 131 declaration are assertions of fact and were made

under penalty of perjury. Because a draft of the patent application was completed and forward to the inventor on September 6, 2001, the date of conception of the invention is established to be at least as early as that date. See MPEP 2138.06, and *Burroughs Wellcome, supra*. In addition, the exchange of drafts and comments between the inventor and the attorneys between October 9, 2001, and the filing date of December 3, 2001, is sufficient to establish diligence in that period. The evidentiary facts submitted by the appellant have not been challenged, nor has the examiner provided any basis, let alone a reasonable basis, for questioning the accuracy of the factual statements set forth in the Rule 131 declaration. Therefore, the factual assertions provided in the Rule 131 declaration must be accepted as true. See *Ex Parte Gilbert P. Hyatt, supra*.

ISSUE 2: WHETHER CLAIMS 2-4, 6-13, 16-22, AND 25 ARE UNPATENTABLE UNDER 35 U.S.C. §103(a) AS BEING OBVIOUS OVER RUDD IN VIEW OF KLOBA *ET AL*, WO 01/18688 (KLOBA).

The Examiner's Rejections

The examiner rejected claims 2-4, 6-13, 16-22, and 25 under 35 U.S.C. §103(a) as being obvious over Rudd and Kloba for the reasons stated in the final office action. The examiner's rejections are improper because Rudd is not available as a reference. Therefore, claims 2-4, 6-13, 16-22, and 25 are not *prima facie* obvious over Rudd and Kloba.

As stated above, the Rudd patent is not available as a reference because the present invention was conceived before the October 9, 2001 filing date of the Rudd patent, followed by diligent constructive reduction to practice between October 9, 2001, and December 3, 2001, the filing date of the present application. Because the Rudd patent is not available as a reference, the examiner's obviousness rejections over Rudd and Kloba are improper and must be removed.

CONCLUSION

The Rudd patent is not available as a reference because the present invention was conceived before the October 9, 2001, filing date of the Rudd patent, followed by a diligent constructive reduction to practice between the filing date of the Rudd patent and the filing date of the present application. Consequently, the Rudd patent is not available as a reference and cannot be used to support the examiner's anticipation and obviousness rejections. Therefore, appellant respectfully requests the Board to reverse the rejections of claims 1-11 and 13-31.

Respectfully submitted,

By: 

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CLAIMS APPENDIX

1. A method for displaying network data, comprising:
 - receiving said network data at an appliance operatively associated with a network, said network data being from another device connected to the network, said receiving occurring when said appliance is in an inactive mode;
 - displaying at least a portion of said network data on electronic display apparatus operatively associated with said appliance, said electronic display apparatus allowing for user interaction with and operation of said appliance;
 - allowing a user to operate said appliance to respond to at least a portion of said network data on the electronic display apparatus; and
 - wherein electronically displaying data is not a primary function of said appliance.
2. The method of claim 1, wherein the at least a portion of said network data comprises an advertisement.
3. The method of claim 1, wherein the at least a portion of said network data comprises network textual data.
4. The method of claim 1, wherein the at least a portion of said network data comprises network graphical data.
5. The method of claim 1, wherein displaying at least a portion of said network data on electronic display apparatus operatively associated with said appliance comprises displaying

the at least a portion of said network data on a display panel of said appliance.

6. The method of claim 1, further comprising:

allowing a user to request more information from said another device; and
providing additional network data to the user, said additional network data being
from said another device and being based at least in part on the user's request for more
information.

7. The method of claim 6, wherein providing additional network data to the user
comprises printing at least a portion of said additional network data.

8. The method of claim 6, wherein providing additional network data to the user
comprises receiving said additional network data at said appliance.

9. The method of claim 6, wherein providing additional network data to the user
comprises displaying at least a portion of said additional network data on the electronic display
apparatus operatively associated with said appliance.

10. The method of claim 6, wherein providing additional network data to the user
comprises receiving said additional network data at an email account.

11. The method of claim 6, wherein allowing a user to request more information from
said another device comprises allowing a user to email the request for more information to said
another device.

12. (Canceled).

13. The method of claim 1, further comprising determining whether said appliance is in an active mode, said electronic display apparatus not displaying the at least a portion of said network data if it is determined that said appliance is in the active mode.

14. The method of claim 1, wherein said appliance is physically linked to the network.

15. Apparatus for displaying network data, comprising:

one or more computer readable storage media; and

computer readable program code stored on said one or more computer readable storage media, said computer readable program code comprising:

program code for receiving said network data at an appliance operatively associated with a network, when said appliance is in an inactive mode, said network data being from another device connected to the network;

program code for displaying at least a portion of said network data on electronic display apparatus operatively associated with said appliance;

program code for allowing a user to operate said appliance to respond to at least a portion of said network data;

wherein said electronic display apparatus allows for user interaction with and operation of said appliance; and

wherein electronically displaying data is not a primary function of said appliance.

21. The apparatus of claim 15, wherein the at least a portion of said network data comprises network textual data.

22. The apparatus of claim 15, wherein said computer readable program code further comprises program code for allowing a user to disable said apparatus.

23. The apparatus of claim 15, wherein said appliance is physically linked to the network.

24. A multifunction device operatively associated with a network, comprising:
electronic display apparatus, said electronic display apparatus allowing for user interaction with and operation of said appliance;
one or more computer readable storage media;
computer readable program code stored on said one or more computer readable storage media, said computer readable program code comprising:
program code for receiving network data at said multifunction device when said multifunction device is in an inactive mode, said network data being from another device connected to the network;
program code for allowing a user to operate said multifunction device to respond to at least a portion of said network data; and
program code for displaying at least a portion of said network data on said electronic display apparatus.

25. The multifunction device of claim 24, wherein said computer readable program

code further comprises:

program code for allowing a user to request more information from said another device; and

program code for providing additional network data to the user, said additional network data being from said another device and being based at least in part on the user's request for more information.

26. Apparatus for displaying network data, comprising:

means for receiving said network data at an appliance operatively associated with a network when said appliance is in an inactive mode, said network data being from another device connected to the network;

means for allowing a user to operate said appliance to respond to at least a portion of said network data; and

means for displaying at least a portion of said network data received at said appliance, wherein means for displaying at least a portion of said network data is not a primary function of said appliance.

27. A method for displaying network data, comprising:

receiving said network data at a multifunction device operatively associated with a network when said multifunction device is in an inactive mode, said network data being from another device connected to the network;

displaying at least a portion of said network data on a display panel of said multifunction device; and

allowing a user to operate said multifunction device to respond to at least a

portion of said network data, wherein displaying data is not a primary function of said multifunction device.

28. Apparatus for displaying network data, comprising:

one or more computer readable storage media; and

computer readable program code stored on said one or more computer readable storage media, said computer readable program code comprising:

program code for receiving said network data at a multifunction device operatively associated with a network when said multifunction device is in an inactive mode, said network data being from another device connected to the network; and

program code for displaying at least a portion of said network data on a display panel of said multifunction device; and

program code for allowing a user to operate said appliance to respond to at least a portion of said network data.

29. A method for displaying network data, comprising:

receiving said network data at an appliance operatively associated with a network, said network data being from another device connected to the network, said appliance having a paper-handling function associated therewith; and

displaying at least a portion of said network data on electronic display apparatus operatively associated with said appliance, said electronic display apparatus allowing for user interaction with and operation of said appliance.

30. The method of claim 29, wherein said appliance comprises scanner apparatus.
31. The method of claim 29, wherein said appliance comprises printer apparatus.

EVIDENCE APPENDIX

A copy of the declaration of Steven G. Henry under 37 CFR 1.131 is attached hereto for the Board's convenience. The declaration was filed on December 16, 2005 and duly entered into the record by the patent examiner. See the office action dated March 17, 2006.

RELATED PROCEEDINGS APPENDIX

None.

REFERENCE APPENDIX

References Relied on By Examiner in Final Office Action.

Copies of the following references are attached hereto for the Board's convenience:

1. U.S. Patent No. 6,934,915, "System and Method for Personalizing an Electrical Device Interface," of Rudd *et al.*
2. Int'l Pub. No. WO 01/18688, "System, Method, and Computer Program Product for Interactive Interfacing with Mobile Devices," of Kloba, *et al.*